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Letter dated 22 January 2016 from the Secretary-General of the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you herewith the text of the Framework of Analysis for Atrocity Crimes. The Framework is a tool to guide integrated analysis and assessment of the risk of atrocity crimes worldwide, by which I am referring to genocide, crimes against humanity and war crimes.

The Framework is based on international law standards and is the result of extensive research into legislation, judicial decisions by international jurisdictions, and academic research and expertise gained by the Offices of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect. Previous drafts were submitted for review to the United Nations and academic partners and expert practitioners.

The Framework was developed in response to the following demands: (a) my predecessor's request, when launching the Plan of Action to Prevent Genocide in 2004, for guidelines on how to identify approaching signs of genocide and, consequently, other atrocity crimes; (b) requests by the Security Council to the Secretary-General to "refer to the Council information and analyses from within the United Nations system on cases of serious violations of international law, including international humanitarian law and human rights law", as well as "his assessment of potential threats to international peace and security", in this way contributing to the prompt consideration by the Council of early warning or prevention cases; and (c) the need for early warning assessments to be prepared in a consistent and systematic manner.

I believe that a common understanding and the systematic application of the Framework when assessing situations worldwide will increase awareness of signs of concern at an earlier stage and allow us to sound the alarm earlier and more consistently. In this regard, States must uphold the obligations established under international law to protect populations from atrocity crimes. Doing so entails identifying the risks set out in the Framework and taking timely action to address them. Member States are also encouraged to use the Framework to identify areas of

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success as well as gaps in atrocity prevention capacities and strategies at the national level. The Framework, in short, aims at compelling Member States and other relevant actors to move from a reactive to a preventive approach in addressing serious violations of international human rights and humanitarian law.

I am pleased to present the present Framework at a time when the United Nations is undergoing a system-wide change to the way we respond to situations where there is a risk of, or ongoing, serious violations of international human rights and humanitarian law. In 2013, I launched the Human Rights Up Front initiative, a major effort to implement existing prevention mandates intended to improve early warning, efficiency, support for national authorities and internal accountability. Transparency, dialogue and cooperation are the guiding principles of the initiative.

I recommend the widest possible use of this Framework by United Nations entities and the membership of the United Nations to support prevention strategies at the national, regional and international levels. Therefore, I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

Annex

Framework of Analysis for Atrocity Crimes

I. Introduction

A. Overview

1. The Framework of Analysis for Atrocity Crimes[1] (hereinafter "the Framework") is a tool to guide an integrated analysis and assessment of the risk of atrocity crimes worldwide. The Framework was developed by the United Nations Office on Genocide Prevention and the Responsibility to Protect and is the result of extensive research into legislation and judicial decisions by international jurisdictions, as well as academic research and expertise gained by the Office since it was created in 2009. Earlier drafts were submitted for review to United Nations and academic partners and expert practitioners.

2. The Framework was developed in response to the following demands: (a) the request by the Secretary-General, when launching in 2004 the Action Plan to Prevent Genocide,[2] for guidelines on how to identify approaching signs of genocide and, consequently, other atrocity crimes; (b) the requests by the Security Council to the Secretary-General to "refer to the Council information and analyses from within the United Nations system on cases of serious violations of international law, including international humanitarian law and human rights law", as well as "his assessment of potential threats to international peace and security", in this way contributing to the Council's prompt consideration of early warning or prevention cases;[3] and (c) the need for early warning assessments delivered by the Secretary-General to be prepared in a consistent and systematic manner.

3. A previous framework of analysis was developed in 2009 by the then Office of the Special Adviser on the Prevention of Genocide and focused on assessment of the risk of the crime of genocide. However, with the subsequent expansion of the Office's responsibilities to also support the work of the Special Adviser on the Responsibility to Protect, there was a need to develop a framework that could be used to analyse not only the risk of genocide but also the risk of crimes against humanity, war crimes and ethnic cleansing.

4. The Framework is based on the premise that atrocity crimes are not usually single or random events. Instead, they tend to develop in a dynamic process that offers entry points for action to prevent their occurrence. If atrocity crimes are processes, it is possible to identify warning signs or indicators that they might occur. This is particularly true in the case of genocide and crimes against humanity. If root causes and precursors of these crimes are understood, and it is possible to identify risk factors that can lead to or enable their commission, it follows that it is

[1] The term "atrocity crimes" is being used to refer to three legally defined international crimes: genocide, crimes against humanity and war crimes. It has also been extended to include ethnic cleansing which, while not defined as an independent crime under international law, includes acts that are serious violations of international human rights and humanitarian law that may themselves amount to one of the recognized atrocity crimes.

[2] Press Release SG/SM/9197 AFR/893, HR/CN/1077 (2004).

[3] See Security Council resolutions 1366 (2001) and 2171 (2014), among others.

possible to also identify measures that can be taken by States and the international community to prevent these crimes. Therefore, while the Framework is primarily a tool for analysis and risk assessment, it has also been designed to facilitate early action.

5. A systematic application of the Framework in assessing situations worldwide will serve to increase awareness of signs of concern and to sound the alarm earlier and more consistently. States must assume their established obligation under international law to protect populations by preventing atrocity crimes before they can occur. This entails identifying risks and taking action to address them. The international community also has a responsibility in this regard. The Framework, in short, aims to encourage a preventive rather than a reactive approach.

6. The Framework of Analysis is a tool not only for United Nations officials, but also for national, regional and international actors charged with developing or managing early warning mechanisms, or other mechanisms used for monitoring, assessment and forecasting. Importantly, the Framework is a tool that Member States can use to help to identify both areas of success as well as gaps in atrocity prevention capacities and strategies at the national level.

B. Analytical tools

7. The Framework contains two main analytical tools for assessing the risk of atrocity crimes: (a) a list of 14 risk factors for atrocity crimes; and (b) indicators for each of the risk factors. Both the risk factors and the indicators reflect definitions of the crimes in international law, case law from the work of international courts or tribunals, and empirical analysis of past and present situations.

8. The Framework considers risk factors as conditions that increase the risk of or susceptibility to negative outcomes. Those identified in the Framework include behaviours, circumstances or elements that create an environment conducive to the commission of atrocity crimes, or indicate the potential, probability or risk of their occurrence. Risk factors are not all the same. Some are structural in nature, such as the weakness of State structures, while others pertain to more dynamic circumstances or events, such as triggering factors. Triggers and other dynamic elements transform general risk into an increased likelihood that atrocity crimes will be committed. The indicators included in the Framework are different manifestations of each risk factor, and therefore assist in determining the degree to which an individual risk factor is present. The particular indicators identified in the Framework have been drawn from past and current cases, but are not intended to be exhaustive.

9. Among the 14 risk factors outlined, the first eight are common to all crimes, reflecting the fact that atrocity crimes tend to occur in similar settings and share several elements or features. In addition to these, the Framework identifies six additional risk factors, two specific to each of the international crimes, namely, genocide, crimes against humanity and war crimes. The common risk factors help us to identify the probability of atrocity crimes overall, without necessarily identifying the type of crime. The assumption is that in the initial stages of monitoring, it is not always possible to identify which specific crime is most at risk. This becomes clearer as the process leading to atrocity crimes progresses. In addition, different kinds of atrocity crimes can occur concurrently in the same situation, or one crime

might be a precursor to another form of atrocity crime. The specific risk factors, on the other hand, result from the fact that each crime has elements and precursors that are not common to all three crimes. As such, they reflect the legal definitions of the crimes, even though they are not strictly limited by them, nor intend to be criminal evidence of them.

10. Given the absence of a conceptual definition common to all war crimes, such as that which exists for genocide and crimes against humanity, the Framework focuses only on war crimes that have an impact on the protection of human life, this being the primary objective of preventive action. In addition, given the focus of the Responsibility to Protect principle on the protection of populations from the most serious violations of international human rights and humanitarian law, the Framework covers war crimes that assume a more systematic or widespread pattern of conduct. Finally, given that ethnic cleansing does not have a distinct legal definition as an international crime, but includes acts that can constitute other atrocity crimes or elements of them, it has been integrated into the analysis of the risk factors for those crimes.

C. Methodology

11. To be effective, assessments require the systematic collection of accurate and reliable information based on the risk factors and indicators that the Framework identifies. The earlier risk factors are identified, the greater the opportunities for early prevention. As time goes on, preventive action becomes more difficult and more costly. A few guiding principles should be considered.

12. First, not all risk factors need to be present for there to be an assessment that there is a significant risk of atrocity crimes occurring. In some situations, despite the presence of most of the risk factors, atrocity crimes might not yet have taken place. That could be owing to the absence of a triggering event or the presence of a strong mitigating factor. It may also not be possible to obtain sufficiently accurate and reliable information to confirm the presence of a particular risk factor. Nevertheless, this should not deter monitors and analysts from warning of the likelihood that an atrocity crime could be committed. Triggering factors are not always predictable and a strong mitigating factor might weaken or disappear. It is also important to bear in mind that common risk factors tend to be manifest sooner than specific risk factors. Information that confirms the presence of specific risk factors is sometimes more difficult to obtain at an early stage.

13. Second, the more risk factors (and the greater the number of relevant indicators) that are present, the greater the risk that an atrocity crime may be committed. Also, the greater the number of indicators of a particular risk factor that are present, the greater the importance and role of that factor in a particular situation. However, more than numbers, it is the dynamics and interaction among the different risk factors that increase the risk of atrocity crimes. When analysed in isolation, risk factors may become less relevant.

14. Third, the risk factors and the indicators are not ranked, as their relative importance will differ according to the particular context. Even though armed conflict has been identified as the strongest or most important contributing risk factor, armed conflict is not a precondition of all atrocity crimes: genocide and crimes against humanity can also occur in times of peace. Certainly, some risk

factors will have a greater weight than others, or will be manifest more often than others. However, all contribute to increasing the risk of atrocity crimes.

15. Finally, monitors and analysts need to be flexible when considering and weighing the risk factors and indicators in the Framework and situate them within the broader political, historical and cultural context. The particular manifestation of a risk factor may be different in different contexts, and this should therefore be taken into account during the analysis. In addition, given the development of new trends and patterns of violence and of conduct related to conflict and violence in general, assessments should be open to new elements that might surface.

D. Accuracy

16. The Framework of Analysis provides a set of elements to help monitors or analysts to make qualitative and systematic assessments of the risk of atrocity crimes in specific situations. However, the presence of risk factors of atrocity crimes in a particular situation does not directly or inevitably lead to the occurrence of those crimes — risk is not equated with inevitability. In fact, some of the risk factors identified in the Framework will be present in many situations or societies around the world where atrocity crimes have not taken place. The absence of atrocity crimes in those societies can be linked to the strength of local sources of resilience, outside assistance that mitigates risk, the lack of motivation of the leadership to commit or permit atrocity crimes, or simply the absence of a triggering factor or event. On the other hand, unpredictable occurrences can disrupt a likely course of events.

17. However, although it is impossible to draw a direct causal relation between the presence of particular risk factors and the occurrence of atrocity crimes, these crimes are rarely committed in the absence of all or most of the risk factors that the Framework identifies.

II. Framework of Analysis for Atrocity Crimes

A. Common risk factors

Risk factor 1. Situations of armed conflict or other forms of instability

Situations that place a State under stress and generate an environment conducive to atrocity crimes

18. Atrocity crimes usually take place against a background of either an international or non-international armed conflict. Armed conflicts are periods characterized by a high incidence of violence, insecurity and the permissibility of acts that would otherwise not be acceptable. In addition, the capacity of States to inflict harm is usually at its peak during periods of conflict. If armed conflict is a violent way of dealing with problems, it is clear that the risk of atrocity crimes acutely increases during these periods.

19. However, other situations that are not typical armed conflicts can also put a State under such a level of stress that it becomes more prone to serious human rights violations and, eventually, to atrocity crimes. In fact, genocide and crimes against

humanity can also occur during times of peace. This is most likely when there are serious levels of political instability, threats to the security of the country or even volatility in economic or social affairs. Although situations of instability, or even of armed conflict, will not necessarily lead to the occurrence of atrocity crimes, they highly increase the likelihood of those crimes.

20. The following are non-exhaustive indicators of the presence of risk factor 1:

(a) International or non-international armed conflict;

(b) Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighbouring countries, threats of external interventions or acts of terrorism;

(c) Humanitarian crisis or emergency, including those caused by natural disasters or epidemics;

(d) Political instability caused by abrupt or irregular regime change or transfer of power;

(e) Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements;

(f). Political tension caused by autocratic regimes or severe political repression;

(g) Economic instability caused by scarcity of resources or disputes over their use or exploitation;

(h) Economic instability caused by severe crisis in the national economy;

(i) Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities;

(j) Social instability caused by resistance to, or mass protests against, State authority or policies;

(k) Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms.

Risk factor 2. Record of serious violations of international human rights and humanitarian law

Past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations

21. Societies that have a history of violence and serious violations of international human rights and humanitarian law or atrocity crimes, or where these are currently taking place, can be more prone to further atrocity crimes. As history has demonstrated, atrocity crimes in general and genocide in particular are preceded by less widespread or systematic serious violations of international human rights and humanitarian law. These are typically violations of civil and political rights, but they may include also severe restrictions to economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals.

22. The above-mentioned risk factor is also relevant where the legacies of past atrocity crimes have not been adequately addressed through individual criminal accountability, reparation, truth-seeking and reconciliation processes, as well as comprehensive reform measures in the security and judicial sectors. A society in this situation is more likely to resort again to violence as a form of addressing problems.

23. The following are non-exhaustive indicators of the presence of risk factor 2:

(a) Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals;

(b) Past acts of genocide, crimes against humanity, war crimes or their incitement;

(c) Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement;

(d) Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement;

(e) Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions;

(f) Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes;

(g) Politicization or absence of reconciliation or transitional justice processes following conflict;

(h) Widespread mistrust in State institutions or among different groups as a result of impunity.

Risk factor 3. Weakness of State structures

Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes

24. The risk of atrocity crimes can be increased by a State's lack of capacity to prevent those crimes. A State protects its population through the establishment of frameworks and institutions that are guided by the rule of law and principles of good governance. However, when such structures are inadequate or simply do not exist, the ability of the State to prevent atrocity crimes is significantly diminished. As a consequence, populations are left vulnerable to those who may take advantage of the limitations or the dysfunction of State machinery, or to those that may opt for violence to respond to real or perceived threats.

25. The above is even more the case in a situation of armed conflict, when it is paramount that those resorting to the use of force are fully aware of and respect the rules that aim to protect populations from such force, and have the necessary means to do so. The weakness of State structures will not necessarily be a cause of atrocity crimes, but it undoubtedly decreases the level of protection and, when analysed in conjunction with other risk factors, increases the probability of atrocity crimes.

26. The following are non-exhaustive indicators of the presence of risk factor 3:

(a) National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties;

(b) National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training;

(c) Lack of an independent and impartial judiciary;

(d) Lack of effective civilian control of security forces;

(e) High levels of corruption or poor governance;

(f) Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims;

(g) Lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups, or other relevant actors;

(h) Lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards;

(i) Lack of resources for reform or institution-building, including through regional or international support;

(j) Insufficient resources to implement overall measures aimed at protecting populations.

Risk factor 4. Motives or incentives

Reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders

27. The motives or incentives that lead perpetrators to commit atrocity crimes are not elements of the legal definition of those crimes and are therefore not relevant to determine individual criminal responsibility. However, from an early warning perspective, it is extremely important to be able to identify motivations, aims or drivers that could influence certain individuals or groups to resort to massive violence as a way to achieve goals, feed an ideology or respond to real or perceived threats. On one hand, to do so allows for a higher degree of prediction of the likelihood of those crimes. On the other hand, it opens the opportunity to develop prevention strategies aimed at neutralizing or curbing those motives or incentives.

28. No one specific motive or incentive will automatically lead to atrocity crimes, but certain motives or incentives are more likely to, especially those that are based on exclusionary ideology, which is revealed in the construction of identities in terms of "us" and "them" to accentuate differences. The historical, political, economic or even cultural environment in which such ideologies develop can also be relevant.

29. The following are non-exhaustive indicators of the presence of risk factor 4:

(a) Political motives, particularly those aimed at the attainment or consolidation of power;

(b) Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources;

(c) Strategic or military interests, including those based on protection or seizure of territory and resources;

(d) Other interests, including those aimed at rendering an area homogeneous in its identity;

(e) Real or perceived threats posed by protected groups, populations or individuals against interests or objectives of perpetrators, including perceptions of disloyalty to a cause;

(f) Real or perceived membership of or support for armed opposition groups by protected groups, populations or individuals;

(g) Ideologies based on the supremacy of a certain identity or on extremist versions of identity;

(h) Politicization of past grievances, tensions or impunity;

(i) Social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge.

Risk factor 5. Capacity to commit atrocity crimes

Conditions that indicate the ability of relevant actors to commit atrocity crimes

30. Atrocity crimes are not easy to commit. In particular, genocide and crimes against humanity, but also several war crimes, are characterized by large-scale violence that requires a level of planning and that, in most cases, is sustained over a period of time. To be able to engage in such conduct, actors aiming at committing atrocity crimes must have at their disposal the necessary substantial resources and support, either internal or external. That capacity can be intentionally developed or it can also be incidental. Accordingly, the fact that States or groups have the capacity to perpetrate atrocity crimes does not imply that they will commit them; for that, it is also necessary that they have the intention to make use of that capacity against a protected group, population or individual. Therefore, this risk factor must be assessed in conjunction with other factors.

31. In contrast, those who do not have the capacity to commit atrocity crimes, i.e., where one or more of the indicators mentioned below are not present, will most likely not be able to put any plan into action, or will face serious challenges in their attempt to implement it.

32. The following are non-exhaustive indicators of the presence of risk factor 5:

(a) Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement;

(b) Capacity to transport and deploy personnel and to transport and distribute arms and ammunition;

(c) Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them;

(d) Strong culture of obedience to authority and group conformity;

(e) Presence of or links with other armed forces or with non-State armed groups;

(f) Presence of commercial actors or companies that can serve as enablers by providing goods, services, or other forms of practical or technical support that help to sustain perpetrators;

(g) Financial, political or other support of influential or wealthy national actors;

(h) Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others.

Risk factor 6. Absence of mitigating factors

Absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals

33. Atrocity crimes result from a convergence of elements, as demonstrated in the present Framework. Among those elements, some point more directly to the likelihood of atrocity crimes, while others might have a more indirect effect and seem secondary, or even too broad to merit consideration. However, even if indirect, those elements can contribute to preventing an escalation of violence or even to ending it and can therefore reduce the probability of atrocity crimes. Some of those elements can exist prior to the development of tensions, crises or conflict, while others can arise as a situation escalates. Such elements, either internal or external, are important to consider for early warning purposes.

34. The following are non-exhaustive indicators of the presence of risk factor 6:

(a) Limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves;

(b) Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media;

(c) Lack of interest and focus of international civil society actors or of access to international media;

(d) Lack of, or limited presence of, the United Nations, international non-governmental organizations or other international or regional actors in the country and with access to populations;

(e) Lack of membership and effective participation of the State in international or regional organizations that establish mandatory membership obligations;

(f) Lack of exposure, openness or establishment of political or economic relations with other States or organizations;

(g) Limited cooperation of the State with international and regional human rights mechanisms;

(h) Lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community;

(i) Lack of interest, reluctance or failure of States Members of the United Nations or members of international or regional organizations to support a State to

exercise its responsibility to protect populations from atrocity crimes, or to take action when the State manifestly fails that responsibility;

(j) Lack of support by neighbouring States to protect populations at risk and in need of refuge, including by closure of borders, forced repatriation or aid restriction;

(k) Lack of an early warning mechanism relevant to the prevention of atrocity crimes.

Risk factor 7. Enabling circumstances or preparatory action

Events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration

35. Atrocity crimes, and in particular genocide and crimes against humanity, are processes that take time to plan, coordinate and implement. They cannot be explained as isolated or spontaneous events that perpetrators decided to commit without some level of preparation. Also, as mentioned in a previous risk factor, perpetrators need to possess sufficient resources to be able to commit massive or widespread acts of violence. Such resources are not always readily available and can take time to assemble. Consequently, throughout the development of these processes, it should be possible to identify events, actions or changes that point to the likelihood that certain actors are taking steps towards a scenario of mass violence and possibly atrocity crimes. Alternatively, such events, actions or changes can also serve to create an environment that favours or even encourages the commission of such crimes. Recognizing such indicators and establishing a causal link to the probability of atrocity crimes is not always easy, but it is of great relevance. As with all risk factors, analysis of this risk factor should take into consideration a context in which other risk factors might also be present.

36. The following are non-exhaustive indicators of the presence of risk factor 7:

(a) Imposition of emergency laws or extraordinary security measures that erode fundamental rights;

(b) Suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups;

(c) Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals;

(d) Acquisition of large quantities of arms and ammunition or of other objects that could be used to inflict harm;

(e) Creation of, or increased support to, militia or paramilitary groups;

(f) Imposition of strict control on the use of communication channels, or banning access to them;

(g) Expulsion or refusal to allow the presence of non-governmental organizations, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements;

(h) Increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals, or recent

adoption of measures or legislation that affect or deliberately discriminate against them;

(i) Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror;

(j) Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos or other assigned locations;

(k) Destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity;

(l) Marking of people or their property based on affiliation to a group;

(m) Increased politicization of identity, past events or motives to engage in violence;

(n) Increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals.

Risk factor 8. Triggering factors

Events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset

37. The dynamics of atrocity crimes are not the same in all cases. In fact, they can vary considerably. The commission of atrocity crimes may progress at a faster pace if the perpetrators have a clear plan and the immediate capacity to implement it. In other situations, the commission of atrocity crimes might unfold at a late stage of a situation of serious crisis or tension that may have been lasting for a long period of time. It can also happen that unpredictable events or circumstances aggravate conditions or spark a sudden deterioration in a situation, prompting the perpetration of atrocity crimes. An adequate early warning assessment should be mindful of all such events or circumstances and consider their potential impact, even if they appear to be unrelated to more direct or structural risk factors.

38. The following are non-exhaustive indicators of the presence of risk factor 8:

(a) Sudden deployment of security forces or commencement of armed hostilities;

(b) Spillover of armed conflicts or serious tensions in neighbouring countries;

(c) Measures taken by the international community perceived as threatening to a State's sovereignty;

(d) Abrupt or irregular regime changes, transfers of power, or changes in political power of groups;

(e) Attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups; other serious acts of violence, such as terrorist attacks;

(f) Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders;

(g) Acts of incitement or hate propaganda targeting particular groups or individuals;

(h) Census, elections, pivotal activities related to those processes, or measures that destabilize them;

(i) Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics;

(j) Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations;

(k) Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities;

(l) Acts related to accountability processes, particularly when perceived as unfair.

B. Specific risk factors

Risk factor 9. (Genocide) Intergroup tensions or patterns of discrimination against protected groups[4]

Past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes

39. Genocide is an extreme form of identity-based crime. Whether real or socially constructed, identity can be subject to manipulation by elites, including as a deliberate tactic for personal or political gain, and may be used to deepen societal divisions. Identity-based conflict, which may give rise to the crime as defined by the Convention on the Prevention and Punishment of the Crime of Genocide, can be rooted in differences between national, ethnical, racial or religious groups, whether real or perceived. It can also be rooted in other differences, such as those of a political or even geographical nature, that eventually develop along national, ethnical, racial or religious lines.

40. However, the risk factor is not the existence of diversity within the population of a country, nor is it those differences per se that cause conflict between groups. Instead, it is discrimination based on such differences, and persistent patterns of it, that establish divisions within society which serve as both a material cause and a perceived justification of group violence. Without group-level discrimination, even deep-seated grievances are unlikely to transform into the patterns of abuse that give rise to genocide.

41. The following are non-exhaustive indicators of the presence of risk factor 9:

(a) Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups;

[4] "Protected group" within the context of the present Framework means any of the groups protected by the Convention on the Prevention and Punishment of the Crime of Genocide, article 2.

(b) Denial of the existence of protected groups or of recognition of elements of their identity;

(c) History of atrocity crimes committed with impunity against protected groups;

(d) Past or present serious tensions or conflicts between protected groups or with the State, with regard to access to rights and resources, socioeconomic disparities, participation in decision-making processes, security, expressions of group identity, or to perceptions about the targeted group;

(e) Past or present serious tensions or conflicts involving other types of groups (political, social, cultural, geographical, etc.) that could develop along national, ethnical, racial or religious lines;

(f) Lack of national mechanisms or initiatives to deal with identity-based tensions or conflict.

Risk factor 10. (Genocide) Signs of an intent to destroy in whole or in part a protected group

Facts or circumstances that suggest an intent, by action or omission, to destroy all or part of a protected group based on its national, ethnical, racial or religious identity, or the perception of this identity

42. The intent to destroy in whole or in part a national, ethnical, racial or religious group is both one of the most fundamental and one of the most difficult elements of the crime of genocide to prove. It is also a challenging element to predict from an early warning perspective. Frequently, the intent only comes to light after a crime has taken place, typically during accountability processes, or sometimes when it might be too late to take preventive action owing to the advanced level of the violence.

43. However, there are some early indicators that can serve as a warning sign. Those indicators are unlikely to be explicit, but they can also be inferred from conduct that would reasonably lead to the belief, even if not the certainty, that the intent of or a plan for annihilation could exist. Indicators can include overt methods of destruction, or otherwise covert or indirect methods that in practice lead to the same ultimate result. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that element. As genocide is not a spontaneous act, it is unlikely that it will be committed in the absence of such a plan or policy.

44. The following are non-exhaustive indicators of the presence of risk factor 10:

(a) Official documents, political manifestos, media records or any other documentation through which a direct intent, or incitement, to target a protected group is revealed, or can be inferred in a way that the implicit message could reasonably lead to acts of destruction against that group;

(b) Targeted physical elimination, rapid or gradual, of members of a protected group, including only selected parts of it, which could bring about the destruction of the group;

(c) Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination;

(d) Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups;

(e) Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity;

(f) Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group;

(g) Expressions of public euphoria at having control over a protected group and its existence;

(h) Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property.

Risk factor 11. (Crimes against humanity) Signs of a widespread or systematic attack against any civilian population

Signs of violent conduct including, but not limited to, attacks involving the use of force, against any civilian population and that suggest massive, large-scale and frequent violence (widespread), or violence with patterns of periodicity, similitude and organization (systematic)

45. Crimes against humanity involve either large-scale violence (quantitative element) or a methodical type of violence (qualitative element). This excludes random, accidental or isolated acts of violence that, in addition, could be difficult to predict. Instead, the type of violence that characterizes crimes against humanity will most probably require a level of preparation that can be revealed through different indicators. Such indicators can, for example, relate to the means and methods used to engage in violence, or to patterns of violent conduct during the early stages of a conflict that can help to predict an aggravation of those patterns and, consequently, the potential for crimes against humanity. Other indicators can point to patterns of conduct — even outside of a conflict situation — that manifest earlier, such as the building up of capacity for large-scale or systematic violence, or the use of alternative means to target civilian populations or particular groups within them. Identifying early stages of pattern manifestation is crucial to be able to devise strategies to stop them.

46. The following are non-exhaustive indicators of the presence of risk factor 11:

(a) Signs of patterns of violence against civilian populations, or against members of an identifiable group, their property, livelihoods and cultural or religious symbols;

(b) Increase in the number of civilian populations or the geographical area targeted, or in the number, types, scale or gravity of violent acts committed against civilian populations;

(c) Increase in the level of organization or coordination of violent acts and weapons used against a civilian population;

(d) Use of the media or other means to provoke or incite to violent acts;

(e) Signs of a plan or policy to conduct attacks against civilian populations;

(f) Establishment of new political or military structures that could be used to commit violent acts;

(g) Access to or increasing use of significant public or private resources for military or belligerent action, including the acquisition of large quantities of weaponry or other instruments that can cause death or serious harm;

(h) Signs of development or increased use of means or methods of violence that are incapable of distinguishing between civilian and military targets or that are capable of mass destruction, persecution or weakening of communities.

Risk factor 12. (Crimes against humanity) Signs of a plan or policy to attack any civilian population

Facts or evidence suggestive of a State or organizational policy, even if not explicitly stipulated or formally adopted, to commit serious acts of violence directed against any civilian population

47. In addition to the requirement that attacks against the civilian population be widespread or systematic, crimes against humanity are committed in furtherance of a State or organizational policy to commit an attack. Even though this is not included in the definition of the crime under article 7, paragraph 1, of the Rome Statute of the International Criminal Court, article 7, paragraph 2 (a), of the same document introduces this element. The plan or policy does not need to be explicitly stipulated or formally adopted and can, therefore, be inferred from the totality of the circumstances. Early signs of those circumstances, such as the indicators mentioned above, reveal planning, promotion or encouragement of violent acts, even if not explicitly presented as such. Conduct that manifests as widespread or systematic, as described in the previous risk factor, can be an indication of a plan or policy. On the other hand, a plan or policy can point to the systematic nature of an attack. The distinction between both might not always be clear.

48. The following are non-exhaustive indicators of the presence of risk factor 12:

(a) Official documents, political manifestos, media records, or any other documentation through which the existence of a State or organizational plan or policy to target civilian populations or protected groups is directly revealed, or could be inferred;

(b) Adoption of discriminatory security procedures against different groups of the civilian population;

(c) Adoption of measures that result in the alteration of the ethnic, religious, racial or political composition of the overall population, including in defined geographical areas;

(d) Establishment of parallel institutions or autonomous political or military structures, or organization of a network of potential perpetrators belonging to a specific ethnic, religious, national, racial or political group;

(e) Preparation and use of significant public or private resources, whether military or other kinds;

(f) Access to and use of weaponry or other instruments not easily obtained inside the country;

(g) Preparation or mobilization of armed forces en masse against civilian populations;

(h) Facilitating or inciting violence against the civilian population or protected groups, or tolerance or deliberate failure to take action, with the aim of encouraging violent acts;

(i) Widespread or systematic violence against civilian populations or protected groups, including only parts of them, as well as on their livelihoods, property or cultural manifestations;

(j) Involvement of State institutions or high-level political or military authorities in violent acts.

Risk factor 13. (War crimes) Serious threats to those protected under international humanitarian law

Conflict-related conduct that seriously threatens the life and physical integrity of those protected under international humanitarian law

49. In contrast to the crimes of genocide and crimes against humanity, war crimes must always take place in the context of an armed conflict. Consequently, indicators specific to war crimes surface at a late stage, when options for prevention are more limited. For earlier preventive action, common risk factors should be considered first. However, even if a conflict is already under way, there are still measures that can be taken to diminish the effects of hostilities and, therefore, to prevent war crimes. The list of war crimes is long and each has a specific definition. They can also vary according to different norms of international law. The indicators identified above attempt to include indicators relevant to as many war crimes as possible that are related to the protection of human life. However, they are far from exhaustive. Some of the indicators identified can also on their own be war crimes, such as attacks against civilian property, which can point to an increase in the threat to human life.

50. The following are non-exhaustive indicators of the presence of risk factor 13:

(a) Fragmentation of parties to the conflict or disintegration or absence of chains of command within them;

(b) Mistrust between opposing parties based on past or present breaches of commitments or agreements;

(c) Increased radicalization or extremism of opposing parties within a conflict;

(d) Promotion of ethnicity or religion as a determinant of national allegiance or allegiance to a party of the conflict;

(e) Conduct that dehumanizes the enemy or particular groups within the population, or that exhibits disrespect for their religious, ethnic or, in general, cultural traditions, morals and values, objects or institutions;

(f) Adoption of measures that severely curtail the rights of those protected under international humanitarian law, including those aligned or perceived as aligned with opposing parties but taking no active part in hostilities;

(g) Evidence of plans or discourse which reveals a threat of or incitement to violence against those protected under international humanitarian law, including as a means to spread terror, intimidate, demoralize, show military strength, provoke displacement, or as preliminary to further violence;

(h) Evidence of conduct interfering with or impeding delivery or access to supplies, facilities, equipment, objects or medical or humanitarian support indispensable to the survival of those protected under international humanitarian law;

(i) Evidence of preparation of personnel and logistics enabling the transportation, movement or confinement of large numbers of people, or the conducting of medical experiments;

(j) Evidence of conduct related to the planning, development, production, storage, acquisition, availability or threat of use of weapons, projectiles, materials or substances which are by their nature indiscriminate or cause superfluous injury or unnecessary suffering to people, or that can cause widespread, long-term and severe damage to the natural environment;

(k) Refusal to allow inspections by competent and independent bodies into allegations of conduct included in (j) above, or action to stop such conduct;

(l) Refusal to acknowledge detentions or places of detention or to allow visits by delegates of the International Committee of the Red Cross;

(m) Issuance of rules of engagement or legislation that allow the disproportionate or indiscriminate use of force, or failure to take action to avoid launching such attacks or to conduct military operations in heavily populated areas or to non-military targets;

(n) Increase in the number of any of the attacks or operations mentioned in (m) above;

(o) Use of methods of warfare that reveal treachery, including taking advantage of the symbols or emblems of humanitarian or peacekeeping personnel, or not wearing uniforms or distinctive combat gear to portray combatants as civilians;

(p) Threats or appropriation, seizure, pillaging or intentional destruction or damage of civilian objects or property that belong, represent or are part of the cultural, social or religious identity of those protected under international humanitarian law, unless used for military purposes;

(q) Threats or orders of warfare without concessions or where there would be no survivors;

(r) Conduct that threatens the rule of law or any other measures that limit protection of the rights to life and physical integrity afforded by applicable international humanitarian law, including denial of its applicability.

Risk factor 14. (War crimes) Serious threats to humanitarian or peacekeeping operations

Conflict-related conduct that threatens the protection provided by international humanitarian law to humanitarian assistance or peacekeeping personnel not taking direct part in hostilities

51. International humanitarian law affords specific protection to those working for humanitarian assistance or peacekeeping missions in a setting of armed conflict, as long as they do not take direct part in hostilities, except for self-defence. These operations are particularly exposed to the violence that accompanies periods of conflict owing to the key role they play in the protection of human lives and the alleviation of human suffering during those periods. A set of specific indicators can help in assessing the likelihood of attacks against this group that could constitute war crimes. As the focus of the Framework is the protection of human life, attacks against property of humanitarian or peacekeeping operations have been included only as indicators of an increased risk to the lives of their staff.

52. The following are non-exhaustive indicators of the presence of risk factor 14:

(a) Perceptions of partiality or political interference by humanitarian or peacekeeping operations, their members, the broader international community, international, regional or national organizations, individual countries, or others sponsoring or participating in the operations;

(b) Increase in identity-based conflicts and perceptions about humanitarian or peacekeeping operations as associated with the opponent or as an obstacle to plans of elimination, marginalization or displacement;

(c) Increased intensity of the conflict and scarcity of livelihoods or other resources;

(d) Fragmentation of parties to the conflict or disintegration of chains of command within them;

(e) Interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel;

(f) Tampering with or removal of signs identifying protected objects or locations where humanitarian or peacekeeping operations are stationed or providing support;

(g) Incidents of improper use of a flag of truce, of the flag or of the military insignia and uniform of the United Nations and the distinctive emblems of the Geneva Conventions;

(h) Attacks against locations in close proximity to humanitarian or peacekeeping operations and personnel, or on the routes taken by them during their activities;

(i) Discourse or evidence of plans that suggest a threat, or the incitement or tolerance of acts of violence against humanitarian or peacekeeping operations and personnel;

(j) Disrespect, threats or increase in attacks to objects, property or persons using the distinctive emblems of the Geneva Conventions or of other humanitarian or peacekeeping operations.